

Arbitration Law and Practice in China

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Kluwer Law International

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KLUPER LAW INTERNATIONAL
THE HAGUE / LONDON / NEW YORK

A C.I.P. Catalogue record for this book is available from the Library of Congress.

ISBN 90-411-2237-0

Published by Kluwer Law International
P.O. Box 85889, 2508 CN The Hague, The Netherlands
sales@kluwerlaw.com
<http://www.kluwerlaw.com>

Sold and Distributed in North, Central and South America
by: Aspen Publishers, Inc.
7201 McKinney Circle, Frederick, MD 21704, USA

Sold and distributed in all other countries
by Turpin Distribution Services Limited
Blackhorse Road, Letchworth, Herts.,
SG6 1HN, United Kingdom

Printed on acid-free paper.

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Printed and bound in Great Britain by MPG Books Limited, Bodmin, Cornwall.

FOREWORD

Ultimately, it is a fundamental principle of economic development that a first class economy may only be achieved with the parallel development of a competent, impartial and efficient legal system capable of protecting the rights of investors and other risk-takers encouraged to invest in the economy. In particular, it is imperative that investors are confident in the ability of the courts to interpret and to apply the rule of law, free from external influence. Unfortunately, this has not always been the experience in China. Late nineteenth century attempts to both modernize and codify China's laws met with considerable resistance from those espousing the continued implementation of laws based upon customs and practices developed over the preceding centuries. The establishment of the Law Reform Bureau in 1904 by the Qing government marked the first significant attempt to overhaul the legal code. The bureau was charged with the responsibility of examining and translating foreign legal codes, particularly the German and Japanese civil codes, with a view to assessing whether the adoption of similar laws could prove beneficial in China. It was during this period that modern legal terminology made its debut in Chinese academia – terms such as *fair procedures*, *inherent rights*, *impartiality* and *transparency* received serious attention amongst intellectuals and academics. Alas, such lofty principles and concepts and the task that engendered them fell along with the Qing regime in 1911, and did not receive subsequent attention until the 1950's. Notwithstanding the above, the volatile and unstable political environment that permeated China through much of the mid-twentieth century, characterized by invasion, civil war and social unrest over the decades that followed, played no small part in damaging the development of a modern legal system and code for China. Disregard for the rule of law reached its nadir during the 1960's, when officialdom actively and deliberately engaged in a program to discredit the very 'concept of law' itself, whilst actively promoting Mao Zedong Thought. It was only in the late 1970's that the Chinese leadership – particularly Deng Xiaoping – adopted the strategy of *opening up and reform*, a policy that required the fundamental reform and modernization of the legal code and practices. In that regard, it is not insignificant that one of the first new laws to be promulgated was the *Sino-Foreign Equity Joint Venture Law*,¹ designed to afford foreign investors the degree of certainty they required for undertaking commercial operations in China. The years after 1978 witnessed a virtual coming of age in terms of China's legal development. Her rapid economic growth and expansion was only matched by unprecedented and equally rapid legal reform that saw the conveyor belt-like promulgation of a plethora of statutes and regulations treating multifarious subject matters,

¹ *Law on Sino-Foreign Equity Joint Ventures of the People's Republic of China*, adopted by the 2nd Session of the 5th Standing Committee of the NPC on July 8, 1979, revised by the 4th Session of the Standing Committee of the 9th NPC on March 15, 2001, and effective from March 15, 2001.

all designed to afford foreign investors confidence in the ability of the Chinese legal code and system to protect their investments and contractual rights.

However, the industrial production and promulgation of laws and regulations have proved unable to excise some of the more fundamental malignancies evident in the Chinese legal system – viz. the dearth of jurisprudence; an inexperienced and/or generally ill-trained judiciary; lack of established and uniform procedural rules, or at least deficiencies in their universal application; and rampant local protectionism. Indeed, in China, judges have often been appointed to the bench without formal legal training of any description. This, combined with the limited but effective supervisory powers by provincial government over the local judiciary, has called into question the efficacy and independence of the judicial system, and contributed substantially to the fears and apprehensions of foreign investors. In particular, in disputes between Chinese and foreign companies, the judiciary has often been accused of succumbing to political and social pressures exerted by provincial bureaucrats anxious to secure a verdict in favor of the local party to the dispute. Although China is making great efforts to improve the quality of its judiciary, a number of problems must be overcome before a truly independent judiciary can be established nationwide. Indeed, it was in this environment that the central government became acutely aware of the need to take the dual steps of overhauling and modernizing both the judicial system and the system of arbitration in China. For arbitration, such modernization manifested itself in the *PRC Arbitration Law of 1994* (“Arbitration Law”).²

In a truly global world, the international business fraternity should be able to feel confident that commercial arbitration can be conducted both competently and independently irrespective of the identity of the arbitral institution or venue. However, undeniably, the overwhelming majority of international arbitration takes place before eminent European and North American arbitration centers, most notably the International Court of Arbitration of the International Chamber of Commerce, the London Court of International Arbitration (“LCIA”), the International Arbitral Centre of the Austrian Federal Economic Chamber,³ the Arbitration Institute of the Stockholm Chamber of Commerce, and the American Arbitration Association – centers with long and well-established traditions of arbitration. In that climate, it is certainly difficult for parties from less developed countries to secure the agreement of foreign investors to seek arbitration at venues beyond the shores of Europe and North America, as foreign investors are somewhat apprehensive about the arbitration laws prevailing in those areas. However, these concerns have, to a large extent, been allayed through the adoption of the *UNCITRAL Model Law on International Commercial Arbitration* (“UNCITRAL Model Law”)⁴ by many less developed and

² Adopted at the 9th Session of the Standing Committee of the 8th NPC, promulgated by Order No. 31 of the President of the People's Republic of China on August 31, 1994 and effective from September 1, 1995. See Appendix A.

³ Also known as the Vienna International Arbitral Centre (“VIAC”).

⁴ Adopted by the United Nations Commission on International Trade Law on June 21, 1985.

developing countries.⁵ Whilst this has not been the case in China, it is noteworthy that the UNCITRAL Model Law has been adopted by both the Hong Kong International Arbitration Centre (“HKIAC”) and the Singapore International Arbitration Centre (“SIAC”), two Asian economic hubs that rank amongst the top ten countries or territories through which foreign investment into China is channeled. It therefore comes as no surprise that many investors in China and Asia generally strive to secure agreement to the arbitration for their commercial disputes in either Hong Kong or Singapore. Indeed, the HKIAC and the SIAC are undoubtedly the two fiercest competitors faced by China International Economic & Trade Arbitration Commission (“CIETAC”) in Asia.

Finally, the inability, in many instances, to enforce foreign court judgments in China, and vice versa, continues to cause difficulties for the business fraternity. Whilst it has agreed to treaties for recognition and enforcement of judgments by foreign courts with certain states,⁶ China has no such treaties with some of the major industrialized economies such as Japan, the UK, and the USA. However, these major industrialized nations and China are amongst the 133 states and territories that have acceded to the 1958 *United Nations Convention on the Recognition and Enforcement of Foreign Arbitration Awards* (the “New York Convention”) that provides a mechanism for the recognition and enforcement of foreign arbitral awards. China’s accession to the New York Convention in 1986 and its enactment of an arbitration law in 1994 have been the keys to the acceptance of arbitration as the preferred method for the resolution of international commercial disputes with a Chinese party or parties. This book, while briefly tracing the early development of arbitration in China, seeks to provide an analysis of the development of arbitration in China since the introduction of the Arbitration Law. It will focus on those aspects of the applicable law, its interpretation and implementation, which have combined to produce a unique system of arbitration often, and accurately, referred to as *Arbitration with Chinese Characteristics*.

Jingzhou Tao
Beijing, October 2003

⁵ Up to June 2001, legislation based on the UNCITRAL Model Law has been enacted in more than 30 countries and territories worldwide, including Australia, Canada, Germany, Hong Kong SAR and Macao SAR.

⁶ Examples of countries with which China has concluded treaties include France, Poland, Mongolia, Romania, Russia, Byelorussia, Cuba, and Spain.

ACKNOWLEDGEMENT

In the three years that it has taken to write this book, I have had much assistance from many colleagues and friends at Coudert Brothers LLP. For their time and patience I am forever grateful. Some commented on work in progress and others suggested or discouraged items of discussion.

I especially need to thank my partner Laurence Craig, uncontested authority of the international arbitration community and the flag holder of Coudert Brothers arbitration practice, for his diligent reviewing of the drafts and for his valuable and insightful comments.

This project also could not have been completed without the untiring efforts of my colleague Shi Hong. I thank her for her professionalism and the countless hours spent on coordinating and doing case studies, research, and translation. Without her dedication the result would have been considerably poorer.

My thanks also go out to Zhou Jing, Ouyang Jianyu, Miao Jianwen, Gu Huaning, Yu Fang and Diarmuid O'Brien for all of their efforts and hours of assistance in research, translation and editing, and to Wu Shuchen, my Peking University Law School classmate and Deputy President of Beijing No. 2 Intermediate People's Court, for his assistance in gathering court cases.

I would also like to extend my thanks and appreciation to Herman Wong and Wang Ying for their further review as well as helpful suggestions, and to Liu Meimei for preparing the index and formatting.

Without all the behind-the-scenes help this book would not have been possible. Once again, thanks to all those mentioned above and to anyone accidentally omitted for making this a better book. Any lingering errors and omissions are of my own making.

Jingzhou Tao
October 2003
Beijing, China

ABBREVIATIONS

AAA	American Arbitration Association
ABIC	Administrative Bureau for Industry and Commerce
ADNDRC	Asian Domain Names Dispute Resolution Centre
AIC	Administration for Industry and Commerce
ARI	Arbitration Research Institute of the China Chamber of International Commerce
BAC	Beijing Arbitration Commission
CAA	China Arbitration Association
CCOIC	China Chamber of International Commerce
CCPIT	China Council for the Promotion of International Trade
CIETAC	China International Economic and Trade Arbitration Commission
CIETAC Rules (1988)	Arbitration Rules of CIETAC 1988 version
CIETAC Rules (1994)	Arbitration Rules of CIETAC 1994 version
CIETAC Rules (1998)	Arbitration Rules of CIETAC 1998 version
CIETAC Rules (2000)	Arbitration Rules of CIETAC 2000 version
CIETAC Financial Arbitration Rules (2003)	Financial Disputes Arbitration Rules of CIETAC 2003 version
CMAC	China Maritime Arbitration Commission
CMAC Rules (2000)	Arbitration Rules of China Maritime Arbitration Commission 2000 version
CMAC Rules (2001)	Arbitration Rules of China Maritime Arbitration Commission 2001 version
CNNIC	China Internet Network Information Centre
DRSP	Dispute Resolution Service Provider
EDI	Electronic data interchange
FETAC	Foreign Economic and Trade Arbitration Commission
FIE	Foreign Investment Enterprise
FTAC	Foreign Trade Arbitration Commission
HKIAC	Hong Kong International Arbitration Centre
HKSAR	Hong Kong Special Administrative Region
ICANN	Internet Corporation for Assigned Names and Numbers
ICC	International Chamber of Commerce
ICSID	International Centre for the Settlement of Investment Disputes
LCIA	London Court of International Arbitration
MAC	Maritime Arbitration Commission
MII	Ministry of Information Industry
New York Convention	United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards

NPC	National People's Congress
SAIC	State Administration of Industry and Commerce
SCC	Stockholm Chamber of Commerce
SIAC	Singapore International Arbitration Centre
SOE	State Owned Enterprise
UN	United Nations
UDNDRP	Uniform Domain Name Dispute Resolution Policy Rules
UNCITRAL	United Nations Commission on International Trade Law
VIAC	Vienna International Arbitral Centre
Washington Convention	Convention on the Settlement of Investment Disputes
WIPO	World Intellectual Property Organization

LIST OF RELEVANT LAWS, REGULATIONS, STATUTORY INSTRUMENTS AND ARBITRATION RULES

1. *Administration of Commercial Encryption Regulations*; promulgated by the State Secrets Bureau on and effective from October 7, 1999.
2. *Administrative Procedure Law of the PRC*; adopted on April 4, 1989 at the Second Session of the 7th NPC, promulgated on April 4, 1989 by Order No. 16 of the President of the People's Republic of China and effective from October 1, 1990.
3. *Appointment of Arbitrators, Stipulations for the*; jointly promulgated by China International Economic and Trade Arbitration Commission, and China Maritime Arbitration Commission on and effective from September 1, 1995.
4. *Arbitration (Amendments) Ordinance, Hong Kong, 2000*; enacted by the Legislative Council of Hong Kong SAR on January 5, 2000, and effective from February 1, 2000.
5. *Arbitration Law of the People's Republic of China*; adopted at the 9th Session of the Standing Committee of the 8th NPC, promulgated by Order No. 31 of the President of the People's Republic of China on August 31, 1994, and effective from September 1, 1995.
6. *Arbitration Law of the People's Republic of China, Notice of the Office of the State Council Concerning Clarification of Several Issues Regarding the Implementation of the*; promulgated on and effective from June 8, 1996.
7. *Arbitration Law, Notice of the General Office of the State Council on Some Notable Issues Concerning Execution of the PRC*; promulgated on and effective from June 8, 1996.
8. *Arbitration Law of the People's Republic of China, Notice on Several Issues Concerning Implementation of the*; promulgated by the Supreme People's Court on and effective from March 26, 1997.
9. *Arbitration Law of the People's Republic China, Opinions of the Shanghai Higher People's Court on the Implementation of the*; issued by the Shanghai Higher People's Court on December 3, 2001, and effective from February 1, 2001.
10. *Arbitration Ordinance for Economic Contracts of the People's Republic of China*; adopted by the State Council on and effective from August 23, 1983.
11. *Arbitration Ordinance, Hong Kong (Cap. 341)*; enacted by the Legislative Council of Hong Kong on and effective from July 5, 1963.
12. *Arrangement Between the Mainland and Hong Kong SAR Concerning the Mutual Recognition and Enforcement of Arbitration Awards*; signed on June 18, 1999 and effective from February 1, 2000.
13. *CIETAC Rules (1988): Arbitration Rules of the China International Economic*

- and Trade Arbitration Commission; adopted by the 3rd Session of the First National Congress of CCPIT on June 21, 1988, and effective from January 1, 1989.
14. *CIETAC Rules (1994): Arbitration Rules of the China International Economic and Trade Arbitration Commission*; adopted by the 1st Session of the Standing Committee of the National Congress of CCPIT on March 17, 1994, and effective from June 1, 1994.
 15. *CIETAC Rules (1995): Arbitration Rules of the China International Economic and Trade Arbitration Commission*; adopted by CCPIT on September 4, 1995, and effective from October 1, 1995.
 16. *CIETAC Rules (2000): Arbitration Rules of the China International Economic and Trade Arbitration Commission*; adopted by CCPIT / China Chamber of International Commerce on September 5, 2000, and effective from October 1, 2000.
 17. *Circular of the Beijing Higher People's Court on the Alteration of Court Jurisdiction Over the Enforcement of Domestic Arbitration Awards*; effective from March 10, 2000.
 18. *Civil Law, General Principles of the, of the People's Republic of China*; adopted at the 4th Session of the 6th NPC on April 12, 1986, and effective from January 1, 1987.
 19. *Civil Procedure Law of the People's Republic of China (for Trial Implementation)*; adopted at the 22nd Session of the Standing Committee of the 5th NPC, and effective on a trial basis from October 1, 1982.
 20. *Civil Procedure Law of the People's Republic of China*; adopted at the 4th Session of the 7th NPC, and effective from April 9, 1991. See Appendix B.
 21. *Civil Procedure Law of the People's Republic of China, Several Opinions of the Supreme People's Court Concerning the Implementation of the*; issued by the Supreme People's Court on and effective from July 14, 1992.
 22. *Contract Law of the People's Republic of China*; adopted by the 2nd Session of the 9th NPC on March 15, 1999, and effective from October 1, 1999.
 23. *Convention on the Recognition and Enforcement of Foreign Arbitral Awards Acceded to by China, Notice of the Supreme People's Court Regarding the Implementation of the*; issued by the Supreme People's Court on and effective from April 10, 1987; Fa (Jing) Fa (1987) No. 5. See Appendix P.
 24. *Convention on the Recognition and Enforcement of Foreign Arbitration Awards, Decision of the Standing Committee of the National People's Congress on China Joining the*; adopted on December 2, 1986, and effective from April 22, 1987.
 25. *Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, Decision of the Standing Committee of the National People's Congress to Ratify the*; signed by China on February 9, 1990; passed per decision of the Standing Committee of the NPC, issued on July 1, 1992; ratification deposited on January 7, 1993; effective in China from February 6, 1993.
 26. *Copyright Law of the People's Republic of China*; adopted at the 15th Session of

- the Standing Committee of the 7th NPC on September 7, 1990 and effective from June 1, 1991; amended at the 24th Session of the Standing Committee of the 9th NPC on and effective from October 27, 2001.
27. *Costs and Examination Time Limit For Recognition and Enforcement of Foreign Arbitration Awards, Supreme People's Court Regulations on Issues Concerning*; promulgated by the Supreme People's Court on and effective from November 14, 1998.
 28. *Costs for People's Court Actions, Measures Regarding*; promulgated by the Supreme People's Court on July 12, 1989, and effective from September 1, 1989.
 29. *Domain Name Disputes, Procedural Rules on the Solution of*; promulgated by CIETAC on and effective from January 1, 2001.
 30. *Domain Names, Solution Measures for Disputes Over Chinese*; promulgated by the CNNIC on and effective from November 1, 2000.
 31. *Domestic Arbitration Commissions, Provisional Rules for*; promulgated by the General Office of the State Council on and effective from July 28, 1995.
 32. *E-Commerce Activities Relating to Audio and Video Products, Notice on Questions Concerning*; promulgated by the Ministry of Culture on and effective from March 17, 2000.
 33. *Economic Contract Arbitration Commissions (for Trial Implementation), Organizational Rules of*; promulgated by the SAIC on and effective from December 23, 1983.
 34. *Economic Contract Arbitration of the People's Republic of China, Regulations on*; promulgated the State Council on August 22, 1983.
 35. *Economic Contract Law of the People's Republic of China*; promulgated by the Standing Committee of the NPC on December 13, 1981, and effective from July 1, 1982.
 36. *Effectiveness of an Arbitration Agreement, Supreme People's Court Reply to Several Questions Concerning Confirmation of the*; promulgated by the Supreme People's Court on October 26, 1998, and effective from November 5, 1998.
 37. *Enforcement Applications Where an Original Arbitrator Is No Longer Appointed, Reply of Supreme People's Court Regarding the Determination by the People's Court of*; adopted by the 1,001st organizational meeting of the Judicial Committee of the Supreme People's Court on July 13, 1998, and effective from September 5, 1998.
 38. *Enforcement of Arbitration Awards by Mainland China and the Hong Kong Special Administrative Region, Supreme People's Court Arrangements Regarding the Reciprocal*; Fashi No. 3 (2000); adopted June 18, 1999 by the 1,069th Session of the Judicial Committee of the Supreme People's Court; promulgated by the Supreme People's Court on January 24, 2000, and effective from February 1, 2000. See Appendix Q.
 39. *Enforcement Conducted by the People's Courts, Regulations of the Supreme People's Court on Several Issues Concerning*; promulgated by the Supreme People's Court on and effective from July 8, 1998.

40. *Enterprise Groups of the PRC, Provisional Administrative Regulations on the Registration of*; promulgated by the SAIC on and effective from April 6, 1998.
41. *Ethical Rules for Arbitrators*; issued by CIETAC and CMAC; adopted in 1991 and subsequently revised in 1993 and 1994. See Appendix G.
42. *Evidence for Civil Actions, Several Provisions of the Supreme People's Court on the*; dated December 21, 2001, adopted by the 1,201st Session of the Judicial Committee of the Supreme People's Court on December 6, 2001, and effective from April 1, 2002.
43. *Exploration of Offshore Petroleum Resources in Cooperation with Foreign Enterprises, Regulations of the People's Republic of China on the*; promulgated by the State Council on January 30, 1982, revised version effective from September 23, 2001.
44. *Exploration of Onshore Petroleum Resources in Cooperation with Foreign Enterprises, Regulations of the People's Republic of China on the*; adopted by the State Council on October 7, 1993, revised version effective from September 23, 2001.
45. *Fees and Investigation Periods for the Recognition and Enforcement of Foreign Arbitral Awards, Regulations of the Supreme People's Court Regarding the Issues of*; (Fa Shi No. 28); promulgated by the Supreme People's Court on November 14, 1998, and effective from November 21, 1998.
46. *Foreign Economic and Trade Arbitration Commission as the China International Economic and Trade Arbitration Commission and the Amendment to Its Arbitration Rules, Official Reply Concerning the Renaming of the*; promulgated by the State Council on June 21, 1988, and effective from January 1, 1989.
47. *Foreign Economic Contract Law of the People's Republic of China*; adopted at the 10th Session of the Standing Committee of the 6th NPC in March 1985, and effective from July 1, 1985.
48. *Foreign-Related Arbitration and Foreign Arbitration, Notice of the Supreme People's Court on Several Issues Regarding the Handling by the People's Court of Certain Issues Pertaining to*; promulgated by the Supreme People's Court on and effective from August 28, 1995. See Appendix J.
49. *Foreign-Related Arbitration Awards and Foreign Arbitration Awards, Notice of the Supreme People's Court on Several Issues Regarding the Handling by the People's Court of Certain Issues Pertaining to*; issued by the Supreme People's Court on and effective from August 28, 1995.
50. *Foreign Law Firms Operating in China, Implementation Rules of the Ministry of Justice for the Regulations on the Administration of Representative Offices of*; promulgated by the Ministry of Justice on June 25, 2002, and effective from September 1, 2002.
51. *Foreign Law Firms Operating in China, Regulations on the Administration of Representative Offices of*; promulgated by the State Council on December 27, 2001, and effective from January 1, 2002.
52. *Foreign Trade Arbitration Commission Within the China Council for the*

Promotion of International Trade, Decision of the Government Administration Council of the Central People's Government Concerning the Establishment of a; adopted at the 215th Session of the Government Administration Council; promulgated on and effective from May 6, 1954.

53. *Foreign Trade Arbitration Commission into the Foreign Economic and Trade Arbitration Commission, Notice Concerning the Conversion of the*; promulgated by the State Council on and effective from February 26, 1980.
54. *Foreign Trade Arbitration Commission of the China Council for the Promotion of International Trade, Provisional Rules of Arbitral Procedure of the*; adopted by the 4th Session of the China Council for the Promotion of International Trade on March 31, 1956.
55. *IP Civil Cases and Disputes Arising from the Registration and Usage of Domain Names, Several Guidelines on Dealing with the*; promulgated by the Beijing Higher People's Court on and effective from August 15, 2000.
56. *Jurisdiction in a Sino-Mongolian Contract that Fails to Provide for Arbitration, Supreme People's Court Reply on the Manner of Determining*; promulgated by the Supreme People's Court, and effective from December 14, 1996.
57. *Jurisdiction Over the Determination of Challenges to the Validity of an Arbitration Agreement, Supreme People's Court's Reply to Questions Relating to Court*; promulgated on August 8, 2000, and effective from August 12, 2000.
58. *Maritime Arbitration Commission Within the China Council for the Promotion of International Trade, Decision of the State Council Concerning the Establishment of a*; adopted at the 82nd Session of the State Council on and effective from November 21, 1958.
59. *Maritime Arbitration Commission and the Enlargement of its Membership, Notice of the General Office of the State Council Concerning the Extension of Scope of Cognizance of the*; promulgated by the State Council on and effective from September 2, 1982.
60. *Maritime Arbitration Commission as the China Maritime Arbitration Commission and the Amendment of Its Arbitration Rules, State Council's Official Reply Concerning the Renaming of the*; promulgated by the State Council on June 21, 1988, and effective from January 1, 1989.
61. *Maritime Traffic Safety Law of the People's Republic of China*; adopted at the 2nd Meeting of the Standing Committee of the 6th NPC, promulgated by Order No. 7 of the President of the People's Republic of China on September 2, 1983, and effective from January 1, 1984.
62. *Online Securities Brokerages, Provisional Administrative Measures on*; promulgated by the China Securities Regulatory Commission on and effective from March 30, 2000.
63. *Pharmaceutical Information Services Over the Internet, Provisional Administrative Regulations on*; promulgated by the State Drug Administration on January 11, 2001, and effective from February 1, 2001.
64. *Products Quality Law of the People's Republic of China*; adopted by the Standing

- Committee of the NPC on February 22, 1993 and effective from September 1, 1993; revised version effective from July 8, 2000.
65. *Recognition by the People's Courts of Civil Judgments Rendered by Relevant Courts of Taiwan Region, Regulations of the Supreme People's Court Regarding the*; promulgated on May 22, 1998, and effective from May 26, 1998. See Appendix S.
 66. *Revocation of an Arbitration Award, Supreme People's Court Reply to Certain Issues Pertaining to the Hearing of a Motion for the*; adopted at the 992nd meeting of the Trial Committee of the Supreme People's Court; promulgated by the Supreme People's Court on July 21, 1998, and effective from July 28, 1998; Fa Shi (1998) No. 16. See Appendix O.
 67. *Revocation by the People's Court of Foreign-Related Arbitration Awards; Notice of the Supreme People's Court on Certain Issues Relating to the*; promulgated by the Supreme People's Court on and effective from April 23, 1998. See Appendix K.
 68. *Setting-Aside of an Arbitration Award, Supreme People's Court Reply to Several Concrete Questions Regarding the Hearing of Party's Application for the*; promulgated by the Supreme People's Court on July 21, 1998, and effective from July 28, 1998.
 69. *Setting Aside of Arbitration Awards Rendered by Chinese Arbitration Institutions, Supreme People's Court Reply to Questions Concerning the Partial*; Fa Shi (1999) No. 16; adopted on June 26, 1999 by the 1,071st organizational meeting of the Supreme People's Court Judicial Committee; promulgated by the Supreme People's Court on August 25, 1999, and effective from August 31, 1999.
 70. *Sino-Foreign Co-Operative Joint Ventures, Law of the PRC on*; adopted by the NPC and effective from April 13, 1988; latest revised version effective from October 31, 2000.
 71. *Sino-Foreign Equity Joint Ventures, Implementing Regulations for the Law of the PRC on*; adopted by the State Council and effective from September 20, 1983; latest revised version effective from July 22, 2001.
 72. *Sino-Foreign Equity Joint Ventures, Law of the People's Republic of China on*; adopted by the 2nd Session of the 5th Standing Committee of the NPC on July 8, 1979, revised by the 4th Session of the Standing Committee of the 9th NPC on and effective from March 15, 2001.
 73. *Trademark Law of the People's Republic of China*; adopted at the 24th Session of the Standing Committee of the 5th NPC on August 23, 1982; amended by the *Decision Regarding the Revision of the Trademark Law of the People's Republic of China*, adopted at the 30th Session of the Standing Committee of the 7th NPC on February 22, 1993; amended by the *Decision Regarding the Revision of the Trademark Law of the People's Republic of China*, adopted October 27, 2001 at the 24th Session of the Standing Committee of the 9th NPC on and effective from December 1, 2001.
 74. *UNCITRAL Conciliation Rules*; signed on June 1, 1980.

75. *United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards*; done at New York on June 10, 1958.
76. *UNCITRAL Model Law on International Commercial Arbitration*; adopted by the United Nations Commission on International Trade Law on June 21, 1985.
77. *Validity of the Arbitration Clause Contained in the Bill of Lading in the Case of Productive Materials Corporation of Fujian Province vs. Jinge Shipping Ltd. Co. Regarding International Sea Transportation, Supreme People's Court's Reply on the*; [Fan Han [1995] No. 135]; issued by the Supreme People's Court on October 20, 1995.
78. *Validity of an Arbitration Clause in Which Two Arbitration Institutions Are Simultaneously Selected, Supreme People's Court Response to Questions Concerning the*; [Fa Han [1996] No 176]; promulgated by the Supreme People's Court on and effective from December 12, 1996. See Appendix L.
79. *Validity of the Arbitration Clause Remained Unaffected by the Omission of Words from the Name of the Arbitration Institution Therein, Reply of the Supreme People's Court Regarding a Case in Which the*; No. (1998) 159; dated April 2, 1998.
80. *Validity of an Arbitration Clause with Selected Arbitration Venue but No Arbitration Institution, Supreme People's Court Reply on the Problem of the*; promulgated by the Supreme People's Court on and effective from March 19, 1997.
81. *Validity of an Arbitration Agreement, and Motions to Revoke an Arbitration Award; Opinion on Some Issues Regarding the Determination of an Application for Ascertaining the*; issued by the Beijing Higher People's Court, 1999.
82. *Validity of Arbitration Agreements, Supreme People's Court Reply Regarding Several Issues Relating to the*; Fashi (1998) No. 27; issued by the Supreme People's Court on October 26, 1998; approved at the 1,029th meeting of the Adjudication Committee of the Supreme People's Court on October 21, 1998, and effective from November 5, 1998.

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2. *Beijing Yayun Garden Real-Estate Development Co. Ltd. vs. Lin Dunye*, (*In the matter of CIETAC Award Ref. no.: (2002) Mao Zhong Cai Zi No. 0090*), see Civil Decision of Beijing No. 2 Intermediate People's Court dated June 20, 2002; Reference number (2002) Er Zhong Mm Te Zi No. 05139 (unpublished).
3. *Beijing Zhaowei Electric Ltd. vs. Fenxi Mineral Bureau*, see Beijing Arbitration Commission website at <http://www.bjac.org.cn>.
4. *Chengdu Zhongshan Knives Development Institutional vs. Chengdu Zhongshan Ruibo Knives Co. Ltd.*, unreported case provided by CIETAC, cited from Cheng, Moser and Wang; *International Arbitration in the People's Republic of China, Commentary, Cases & Materials*, 2nd Ed. Butterworths Asia, 2000, on p. 131.
5. *China International Construction and Consultant Corporation vs. Beijing Lido Hotel Company*, see *Selected Cases of the People's Courts*, Vol. 4 (1993) on p. 140.
6. *China Leasing Company Ltd. vs. Shenzhen Zhongji Industry and Development Centre*, see Li Hu, *Enforcement of the International Commercial Arbitration Award – with Special Reference to the Enforcement of the Arbitral Award in the PRC*; published by Law Press of China (2000).
7. *China National Technical Import Corporation vs. Swiss Industrial Resources Company Incorporated*, see *Gazette of the Supreme People's Court of PRC*, 1989, N.1 on pp. 26–27.
8. *Dalian Dongda Clothing Co., Ltd. vs. Dalian Liangshi Clothing Co., Ltd.*, (*In the Matter of CIETAC Award Ref. no: (2001) Mao Zhong Cai Zi No. 0358*), see Civil Decision of Beijing No. 2 Intermediate People's Court on April 15, 2002 with reference number (2002) Er Zhong Mm Te Zi No. 01312 (unpublished).
9. *Dongfeng Garments Factory of Kai Feng City and Tai Chun International Trade (HK) Co. Limited vs. Henan Garments Import and Export Group Company (1992)*, see Cheng, Moser and Wang; *International Arbitration in the People's Republic of China, Commentary, Cases & Materials*, 2nd Ed. Butterworths Asia, 2000, on p. 131.
10. *Food Industries Planning & Servicing Ltd. (Switzerland) vs. China Hua Yang Technology and Trade Corporation (China)* [1997].
11. *Guangzhou Ocean Shipping Co. vs. Marships of Connecticut Co Ltd.*, reported in *Selected Cases of the People's Courts*, classification number 115511992005, see also <http://www.hotlong.com/law/index.cfm/5/187-1/C07C8BD1-EA1-0E6-A5731F7E227E22C.html>.
12. *Hebei Import & Export Corporation vs. Polytek Engineering Company Limited*, (1999) 2 HKC 205; Court of Final Appeal of the Hong Kong SAR. Final Appeal No. 10 (1998) (Civil). On appeal from CACV No. 16 (1997).